REMARKS

Applicant has carefully studied the Office Action of February 12, 2004 and offers the following remarks to accompany the above amendments.

Initially, Applicant amends the specification in two places to correct typographical errors. No new matter is added.

Before addressing the specifics of the Office Action, Applicant provides a brief summary of the invention so that the remarks are provided in the proper context. The present invention is a system designed to operate on telephones that have multiple users (e.g., roommates) or multiple types of use (e.g., business and personal). The invention allows the users of the telephone to designate a particular, user selected, caller ID designation to be sent to a call recipient. Thus, for example, if three roommates share a phone, the caller ID information would distinguish who was making the call. Likewise, if someone used their phone for business and personal purposes, they could use different caller ID designations to convey to the called party in which capacity they were being called. The caller indicates to the telephony provider which caller ID designation is desired in one of two ways. The first technique is via a feature code. The second technique by pre-defining one or more lists of telephone numbers and associating a particular caller ID designation with each list. When a call is placed to a number on one of the lists, the called party receives the caller ID designation that has been associated with the list on which the number appears. It is relevant to note that the present invention allows the telephony user to define the caller ID designation as well as pick to whom the caller ID designations are sent.

Applicant has herein amended independent claims 1, 26, 38, and 47 to recite that the customized CID information is desired by the call originator and that the customized CID information corresponds to a unique name selected by the call originator from a plurality of unique names. Several of the dependent claims are amended to conform to the language of the amended independent claims.

Applicant further cancels claims 18-25 and adds new claims 57-63. The total claim count is now 55, although there is one new independent claim. Applicant's earlier referenced credit card form pays for the additional independent claim.

Claims 1-46 and 56 were rejected under 35 U.S.C. § 102(e) as being anticipated by Moss et al. (hereinafter "Moss"). Applicant respectfully traverses. For the Patent Office to establish

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anticipation, the Patent Office must show a reference wherein each and every claim element is shown by the reference. Further, the elements of the reference must be arranged as claimed. MPEP § 2131. This is a strict standard.

Moss shows a system wherein a customer group may have internal CID information as distinguished from the external CID information. That is, the caller places a call; the service switching point and the switching control point evaluate the dialed number relative to a database to determine if the call recipient is in the same customer group; and if the answer is yes, provides the call recipient customized CID information. If the answer is no, then the call recipient receives the normal CID information. While the reference indicates that "in one embodiment, a customer enters user's names and telephone numbers," (Moss, col. 3, lines 4-5) there is no indication that the call originator desires the customized CID information be sent to the call recipient or that the CID information that is being sent is selected by the call originator from a plurality of unique names. In fact, the reference has no indication that there is any discretion on the part of the call originator to generate a plurality of unique names or select from amongst this plurality of unique names. Rather, the reference teaches that the SCP performs the look up in the custom caller identification with name database and provides the information therein to the call recipient independent of what the call originator may desire. As the independent claims 1, 26, and 38 all recite the amended language, the independent claims recite an element that is not shown by the reference and the claims are not anticipated. Claims 2-25, 27-37, and 39-46 depend from allowable claims and are allowable at least for the same reasons.

Claims 5, 10-17, 30-32, 36, 37, 41-46 deserve special in that they recite elements which are not shown by Moss. Claim 5 recites "maintaining fixed CID information in the CID message uniquely identifying the origination-point for call record purposes." The Patent Office opines that this claim element can be found at Moss, col. 3, lines 2-7, and col. 3, lines 41-41. Applicant specifically transverses this association. Moss, col. 3, lines 2-7, recite that a customer enters user's names and telephone numbers and that this is monitored by an SMS system 66. Nowhere does this passage indicate that a fixed CID information entry is maintained for call record purposes. Moss, col. 3, lines 41-44, recite in one embodiment a plurality of user names associated with a plurality of telephone numbers in the customer viewed parameters are entered. However, this passage does not indicate that any sort of fixed CID information is maintained for

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call record purposes. Hence, the element is not explicitly disclosed, the reference does not anticipate claim 5.

Claims 10, 31, and 44 each recites that the access into the database comprises SS7 signaling to access and query the remote database. The Patent Office opined that this can be found at Moss, col. 2, lines 42-col. 3, line 7. Applicant has studied the cited passage, and while SSPs and SCPs are described, these are not explicitly labeled as an SS7 system. As such, the claim element is not shown by the reference, and the claims are not anticipated.

Claims 11, 30, and 45 cite using advanced intelligent network signaling to access and query the remote database. The Patent Office cites the same portion of Moss. Again, while SCPs and SSPs are disclosed, this is not explicitly described as an advanced intelligent network. To this extent, the claims are not shown by the reference, and the claims are not anticipated.

Claims 12, 32, and 46 recite that the accessing of the remote database uses an internet protocol signal. The Patent Office again opines that this is shown by Moss, col. 2, lines 42- Col. 3, line 7. While SSPs and SCPs are disclosed, this is not necessarily an internet protocol signaling process. To this extent, the claim elements are not shown, and the claims are not anticipated.

Claims 13-17, 36, 37, and 41-43, all recite feature codes. The Patent Office opines that this is taught at Moss, col. 4, lines 35-67. Applicant specifically traverses this assertion. While the cited passage talks about termination attempt triggers, the majority of the passage talks about the query of the custom caller identification with name database, and that if no subscription is found, querying the caller identification with named database. As such, there is no recitation of any sort of feature code recited by Moss. Absent such a teaching, the reference cannot anticipate the claim.

If the Patent Office disagrees with Applicant's analysis of the reference, the Patent Office is invited to identify with greater particularity what feature within the reference is the feature code and/or the various sequence protocols.

Claim 56 has not been amended because Moss does not show comparing the customized caller ID information with inappropriate CID information as recited in the claim. The Patent Office opines that this element is taught at Moss, col. 3, lines 28-30. Applicant specifically traverses this assertion. Moss, col. 3, lines 28-30 states "[in] one embodiment, when the calling party directory number is not in the customer caller identification with name database, the caller

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identification with name lookup is performed." Nowhere in this passage is a comparison of the customized caller CID information with inappropriate information as recited in the claim. Rather, the passage merely indicates that if the caller is not in the custom database, the SCP looks in the normal caller identification with name database. There is no judgment on the appropriateness of the CID information. To this extent, the reference does not show this claim element and claim 56 is not anticipated.

Claim 47 was rejected under 35 U.S.C. § 102(b) as being anticipated by Strauss et al. (hereinafter "Strauss"). Applicant respectfully traverses. The standard for anticipation is set forth above.

As amended, claim 47 also recites that the customized CID information is desired by a call originator and that the customized CID corresponds to a unique name selected by the call originator from a plurality of unique names. While Strauss indicates at col. 3, lines 37-40, that on an individual call basis, the calling subscriber can control what information is to be extracted from the line identification database (LIB), the subscriber does not have control over what information is put in the LIB. Rather the information in the LIB is generated and stored by the telephone company without input from the call originator (see Strauss, col. 3, lines 35-37).

To this extent, claim 47 includes an element which is not shown by Strauss and the claim is not anticipated.

Claims 48-55 were rejected under 35 U.S.C. § 103 as being unpatentable over Strauss in view of Moss. Applicant respectfully traverses. For the Patent Office to combine references, the Patent Office must: 1) provide a motivation to combine the references, and 2) provide actual evidence that supports the motivation to combine. *In re Dembiczak*, 175 F.3d 994, 999 (Fed. Cir. 1999). Furthermore, even after the combination is made, the combination of references must still teach or suggest all the claim elements. MPEP § 2143.03.

Initially, Applicant notes that while the Patent Office has opined that the reason to combine the references is "to improve delivery of appropriate caller identification information to [a] desired called party," the Patent Office has not provided the requisite actual evidence. Absent such evidence, the combination is improper. Since the combination is improper, the references must be considered individually. As already explained, individually, the references do not teach the amended claim language of the independent claim 47 from which claims 48-55 depend. To this extent the claims are patentable.

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Applicant further traverses the rejection that even if the references are properly combinable, the combination does not teach the elements of the independent claim 47 from which claims 48-55 depend. Specifically, as previously explained, the references individually do not teach or suggest the amended claim elements. Thus, in combination the references cannot teach or suggest the amended claim elements. Since the amended claim elements are not taught or suggested, the Patent Office has not established obviousness and the claims are patentable.

Claims 50-52 deserve special mention. Claim 50 is analogous to claim 10; claim 52 is now analogous to claim 11; and claim 51 is analogous to claim 12. The Patent Office opines that these elements are taught by Moss. However, as explained above, Moss does not show the SS7, the AIN, or the IP sequence protocol recited in these claims. As such, these claims have an independent element which is not shown by the combination of references.

New claims 57-63 recite an alternate version of the present invention. The new claim highlights that that the callers generate a plurality of customized CIDs associated with a single line subscription. Then the callers designate which of the customized CIDs are to be used when a call is made. As previously discussed, the references of record do not teach the callers having control over these functions and the claims define over the rejection of record.

Applicant requests reconsideration of the rejection in light of the amendments and remarks presented herein. Applicant earnestly solicits claim allowance at the Examiner's earliest convenience.

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Respectfully submitted,

WITHROW & TERRANOVA, P.L.L.C.

By:

Benjamin S. Withrow
Registration No. 40,876
P.O. Box 1287
Cary, NC 27512
Telephone: (919) 654-4520

Date: ___May 12, 2004___
Attorney Docket: 7000-032

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